

## United States v.

Charles Bradford Smith (a.k.a. Brad Smith)

21-CR-567-2 (RCL)

Gov't. Sentencing Exhibit 1 Sept. 23, 2022



## United States v. Brad Smith 21-CR-567-2 (RCL)

Nature and Circumstances of the Offense
18 U.S.C. § 3553(a)(1)

## Facebook Messages between NEEFE and SMITH

Nov. 4, 2020

```
Author Brad Smith (Facebook: 1
  Sent 2020-11-04 18:12:02 UTC
 Body We all deep down knew this was how the election was going to go.
        Now if Trump wins the riots will be 50 times worse
Author Marshall Neefe (Facebook:
  Sent 2020-11-04 18:12:19 UTC
 Body Hope it burns either way
Author Brad Smith (Facebook: 1
  Sent 2020-11-04 18:14:02 UTC
 Body Me to. This country needs to split up immediately
Author Marshall Neefe (Facebook:
  Sent 2020-11-04 18:14:24 UTC
 Body Why shouldnt we be the ones to kick it off?
```

## Facebook Messages between NEEFE and SMITH Dec. 22, 2020

Author Marshall Neefe (Facebook: Sent 2020-12-22 15:39:24 UTC **Body** Idek whats gunna happen with this election shit rn Author Brad Smith (Facebook: Sent 2020-12-22 16:01:50 UTC **Body** The call to action was put out to be in DC on January 6th from the Don himself. The reason is that's the day pence counts them up and if the entire city is full of trump supporters it will stop the for sure riots from burning down the city at least for awhile. Author Marshall Neefe (Facebook: Sent 2020-12-22 18:39:53 UTC **Body** We goin? Author Marshall Neefe (Facebook: Sent 2020-12-22 18:40:19 UTC **Body** Cause hot damn son i really wanna crack some commie skulls

## Facebook Messages between **SMITH**, **NEEFE**, and others - Dec. 31, 2020

```
Author Brad Smith (Facebook:

Sent 2020-12-31 13:48:02 UTC

Body I cant wait for DC! Apparently it's going to be WAY bigger Iol. If it's big enough we should all just storm the buildings

Author Brad Smith (Facebook:

Sent 2020-12-31 13:56:30 UTC

Body Seriously. I was talking to my Dad about how easy that would be with enough people
```

#### **Ex. 1C**

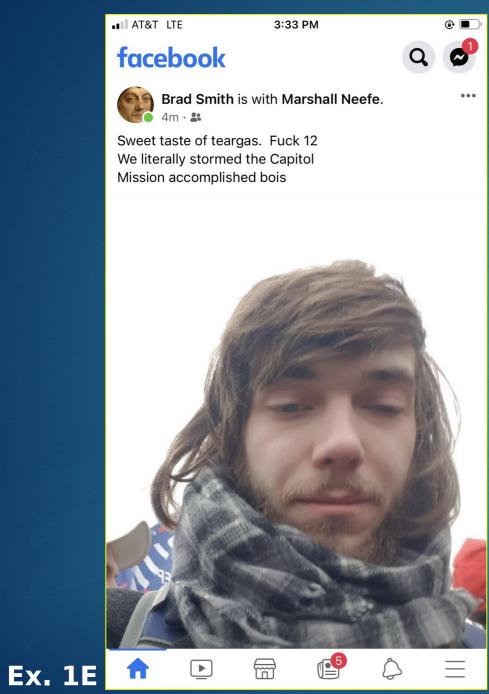
```
Sent 2020-12-31 14:02:57 UTC

Body Take off the 6th man! It's the Big one!!! Trump is literally calling people to DC in a show of force. Militias will be there and if there's enough people they may fucking storm the buildings and take out the trash right there.

Author Sent 2020-12-31 20:32:22 UTC
Body Are you going down

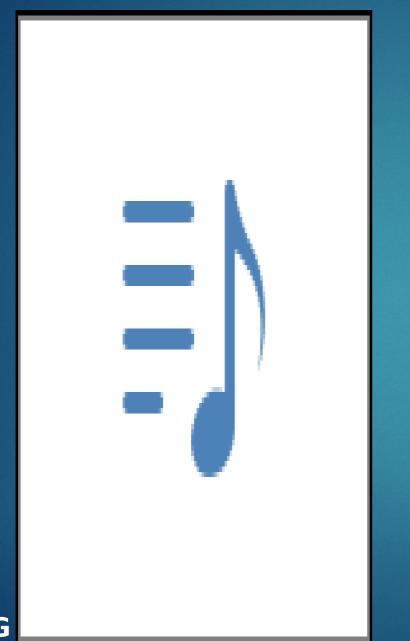
Author Brad Smith (Facebook: Sent 2020-12-31 20:44:32 UTC
Body Hell yeah. Also Marshal's tonight?
```

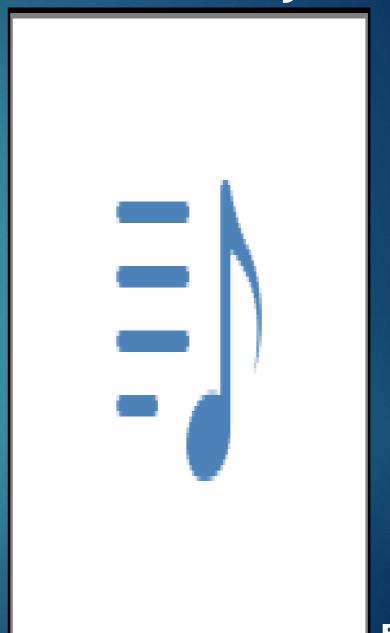
Author Brad Smith (Facebook: 1





#### **NEEFE** and **SMITH** on Restricted Grounds: Jan. 6, 2021





Ex. 1G Ex. 1H

#### **SMITH's Conduct on Capitol Grounds Jan. 6,**



Video SMITH shared on Facebook with the below caption

Author Brad Smith (Facebook:

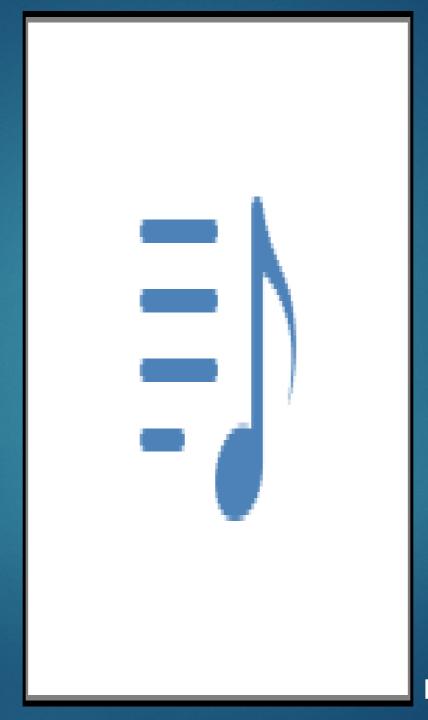
Sent 2021-01-07 08:36:04 UTC

Body This is what happens to you when you're up front

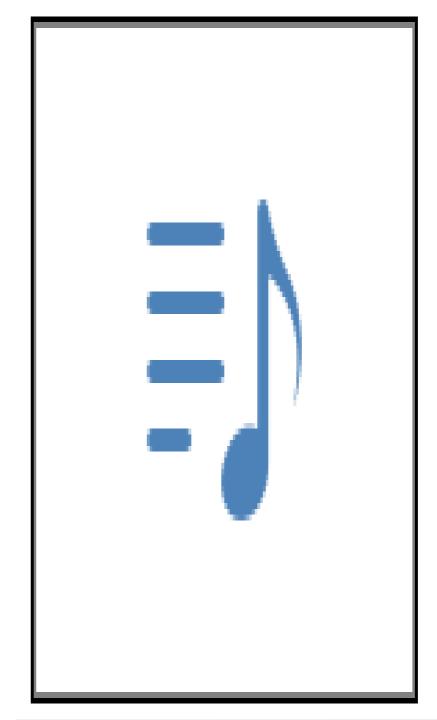
Attachments video-1610008562.mp4 (437563617397668)

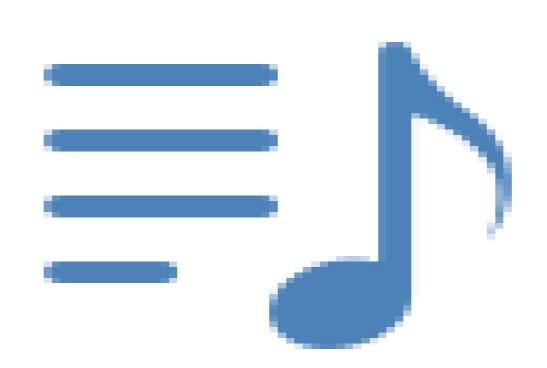
Ex. 11-1

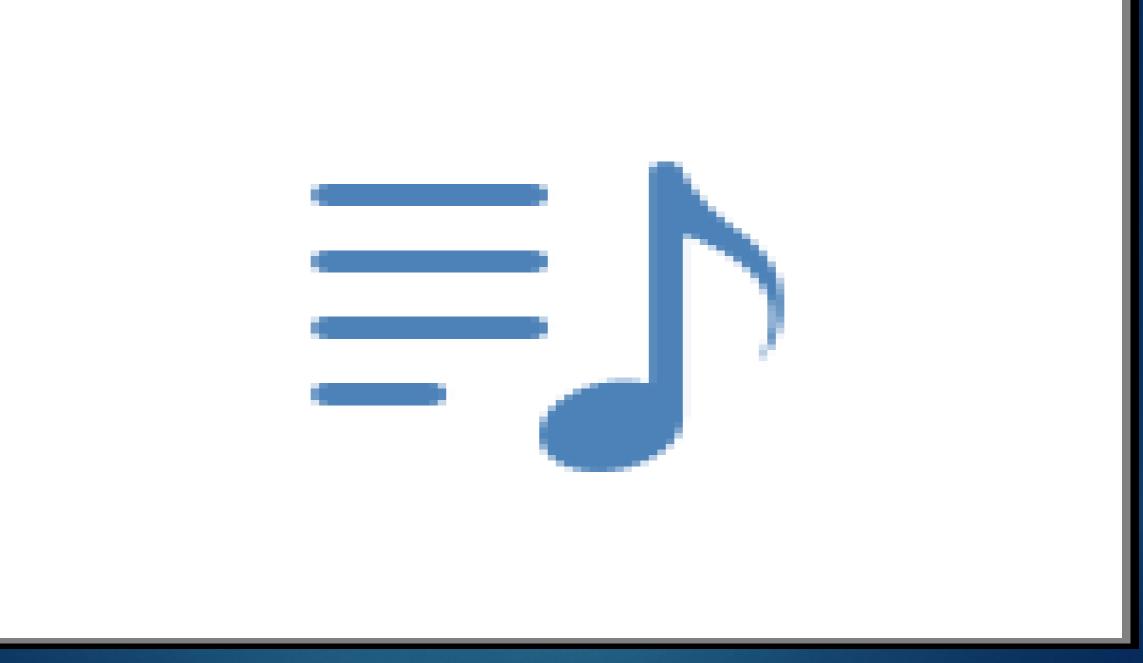
Video SMITH recorded approximately 10 minutes prior to sign assault [~1:30PM EST]



Video SMITH recorded approximately 2 minutes prior to sign assault [~1:38PM EST]











Ex. 10



SMITH's Conduct on Capitol Ground Jan. 6, 2021

Video shared with multiple captions:

Author Sent 2021-01-06 23:17:10 UTC

Body Heres guys holding the door closed so we could storm it before reinforcements came out of the doors to GAS us

Author Brad Smith (Facebook:
Sent 2021-01-07 05:58:28 UTC

**1Q-2** 

**Body** Here's us holding the Cops in the building, not letting them get reinforcements to fuck us. They stuck lol

Author Brad Smith (Facebook:

Sent 2021-01-07 08:29:22 UTC

Body Heres one of keeping reinforcements from coming out of that door.

Author Brad Smith (Facebook: Sent 2021-01-07 08:52:16 UTC

Body Holding the door shut so reinforcements cant get in while no

**Body** Holding the door shut so reinforcements cant get in while people move closer

Video SMITH shared on Facebook in which he recorded himself shouting, "Hold it!" as rioters kept a door shut so officers could not respond to

Ex. 1Q

#### Post-Riot Facebook Communications from SMITH Jan. 6-7, 2021

Ex. 1R

Author Brad Smith (Facebook:

Sent 2021-01-06 23:20:48 UTC

**Body** Got Gassed so many times, shit is spicy but the Adrenaline high and wanting to "Get" Pelosi and those fucks, it was bearable

Author Brad Smith (Facebook:

Sent 2021-01-06 23:37:04 UTC

**Body** We literally did it. We stormed the bitch! Marshall even went in a room and pissed. No bathrooms so... We where front row getting tear gassed and hit/pushed. Made the Child fucking politicans evacuate and escape out the tunnels underground. Some of those dudes would have hung em right there if they found em. I cant even explain how unbelievable that just was. If I would have know what I do now I dont think I would have the balls. But no turning back when 1,000,000 people are behind you pushing

**Ex. 1S** 

Author Brad Smith (Facebook: Sent 2021-01-07 02:57:31 UTC Body Stormed the place. My friend Marshal went inside and took a piss on the floor of a small room. They didn't have anywhere to piss. So fuck them Author Brad Smith (Facebook: Sent 2021-01-07 04:27:26 UTC **Body** Yeah I think we should have went even harder. To bag nobody

Ex. 1T

Ex. 1U

**Ex. 1V** 

Author Brad Smith (Facebooks

Sent 2021-01-07 04:41:47 UTC

**Body** It went great though. They had to evacuate those faggots. The looks on their faces hahaha

my ride and I wasn't sure if he was gonna make it back lol.

found any of the politicians in the building. Btw that was Marshal

dumping water on that dudes eyes in case u didn't know. He was



Time 2021-01-07 03:29:21 UTC

Type Comments

Summary Brad Smith commented. `It was beautiful and will happen again. Glad to be in the

front row`

Ex. 1X



**Ex. 1Y** 

Sent January 7th, 2021



Sent 2021-01-07 05:41:16 UTC

Body Oh yeah. The time will come for some of them. But today's mission was successful! Remember how they said today was the final day & that Biden would be certified? Well we literally chased them out into hiding. No certification lol

Author Brad Smith (Facebook: Sent 2021-01-07 05:42:57 UTC

Body Pence cucked like we knew he would but that was an Unbelievable

show of force and it did its job



```
Author Brad Smith (Facebook:
Sent 2021-01-07 16:47:47 UTC

Body Who knows what's going to happen. We need more violent the prices like this it's the only language they speak

Author Brad Smith (Facebook:
Sent 2021-01-07 16:47:59 UTC
Body Uprisings*
```

**Ex. 1Z** 

## Post-Riot Facebook Communications from **SMITH** Jan. 6-7, 2021

Author Brad Smith (Facebook:
Sent 2021-01-07 19:41:41 UTC

Body You mean it's nice seeing everybody unify in hating Mitch mcconnell and the republicans and Nancy Pelosi the Dems

Author Brad Smith (Facebook:

Author Brad Smith (Facebook:

Sent 2021-01-07 19:41:49 UTC

Body Maybe we can all join up in skin them alive



#### Texts send NEEFE January 7, 2021

1/7/2021 5:40:45 PM	My parents know what you where wearing & they didn't see shit either. If everything goes fine. The next time we got to be more prepared		
1/7/2021 5:41:08 PM	Goggles, gas masks and padding		
1/7/2021 5:41:08 PM	After it was over I just head back goofy meme in my head. The "I'll fuckin do it again" lol		

Ex. 1AA

## Post-Riot Facebook Communications from NEEFE and SMITH, Jan. 6, 2021

Author Marshall Neefe (Facebook: Sent 2021-01-07 02:13:38 UTC **Body** Its only going to get more violent Author Marshall Neefe (Facebook: Sent 2021-01-07 02:13:47 UTC **Body** Today was pussy shit dude Author Marshall Neefe (Facebook: Sent 2021-01-07 02:14:19 UTC **Body** If i had it my way every cop who hurled a baton or maced on of us would be lined up and put down Author Marshall Neefe (Facebook: Sent 2021-01-07 02:14:45 UTC **Body** We made sure they knew we fucking OWN them Ex. 1BB Author Brad Smith (Facebook: Sent 2021-01-07 02:41:42 UTC

**Body** That whole thing was a Trip. It's hard to process how badass that

Ex. 1CC

was

Facebook
Messages
after the
Riot
(Night of
Jan. 6, 2021)



## United States v. Marshall Neefe 21-CR-567-2 (RCL) History and Characteristics of the Defendant

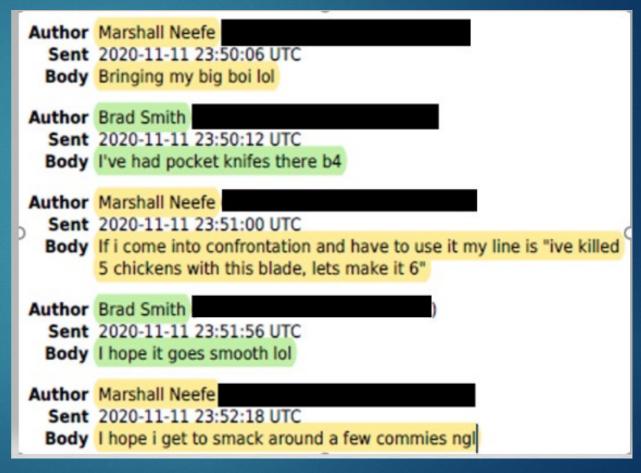
18 U.S.C. § 3553(a)(1)

Facebook Messages between NEEFE and SMITH regarding attending rally in D.C. on Nov. 14, 2020 (Sent Nov. 11, 2020)

```
Author Marshall Neefe
  Sent 2020-11-11 23:48:08 UTC
 Body What all is illegal to have on your person there? Am i aloud to have
        a knife?
Author Marshall Neefe
  Sent 2020-11-11 23:48:17 UTC
 Body I do have one tho
Author Brad Smith
  Sent 2020-11-11 23:48:44 UTC
 Body I'm bringing a pocket knife.
```



Facebook Messages between NEEFE and SMITH regarding attending rally in D.C. on Nov. 14, 2020 (Sent Nov. 11, 2020)



Ex. 1EE

Facebook Messages (Dec. 1, 2020) Author Brad Smith
Sent 2020-12-01 18:57:35 UTC

Rody I'm real close to liking full blown fascism. Fasci

**Body** I'm real close to liking full blown fascism. Fascism is one of the most lied about political ideologies ever and if you look it up it'll give you like 6 completely different definitions but we all know what it is.

Author Brad Smith

Sent 2020-12-01 18:58:58 UTC

**Body** Its culture, heritage, family history, tradition. And Nobody hates a Communist more than a fascist lol

Author Marshall Neefe (

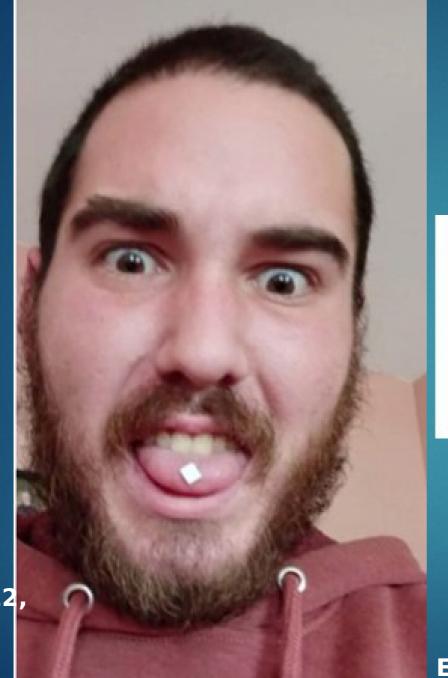
Sent 2020-12-01 18:59:03 UTC

**Body** Id rather be a racist, fascist hate monger than a liar [

Author Brad Smith Sent 2020-12-01 18:59:32 UTC

Body If this is what winning the war means then I'm a fascist

Ex. 1FF



Photograph followed by below message between NEEFE and SMITH:

Author Marshall Neefe (Facebook:

Sent 2020-12-12 18:23:14 UTC
Body | literally JUST put it in

Author Brad Smith (Facebook:

Sent 2020-12-12 18:23:35 UTC

Body It's all good lol I literally do it everyday

Ex. 1GG

Facebook Messages (Dec. 11-12, 2020)

Ex. 1GG-1



Author Brad Smith (Facebook:

Sent 2020-12-24 01:58:49 UTC

Body I need a shoulder strap now for a gun

Ex. 1HH

Facebook Messages (Dec. 24, 2020)

Ex. 1HH-



### United States v. Marshall Neefe

21-CR-567-1 (RC) Need to Reflect Seriousness of the Offense and Promote Respect for the Law 18 U.S.C. § 3553(a)(2)(A)

## Post-Riot Facebook Communications from NEEFE and SMITH, Jan. 6, 2021

Author Marshall Neefe (Facebook: Sent 2021-01-07 02:13:38 UTC **Body** Its only going to get more violent Author Marshall Neefe (Facebook: Sent 2021-01-07 02:13:47 UTC **Body** Today was pussy shit dude Author Marshall Neefe (Facebook: Sent 2021-01-07 02:14:19 UTC **Body** If i had it my way every cop who hurled a baton or maced on of us would be lined up and put down Author Marshall Neefe (Facebook: Sent 2021-01-07 02:14:45 UTC **Body** We made sure they knew we fucking OWN them Ex. 1BB Author Brad Smith (Facebook: Sent 2021-01-07 02:41:42 UTC

**Body** That whole thing was a Trip. It's hard to process how badass that

Ex. 1CC

was

Facebook
Messages
after the
Riot
(Night of
Jan. 6, 2021)



#### United States v. Marshall Neefe 21-CR-567-1 (RCL)

## Need to Afford Adequate Deterrence 18 U.S.C. § 3553(a)(2)(B)



Time 2021-01-07 03:29:21 UTC

Type Comments

Summary Brad Smith commented. `It was beautiful and will happen again. Glad to be in the

front row`

Ex. 1X



**Ex. 1Y** 

Sent January 7th, 2021



```
Author Brad Smith (Facebook:
Sent 2021-01-07 16:47:47 UTC

Body Who knows what's going to happen. We need more violent the prices like this it's the only language they speak

Author Brad Smith (Facebook:
Sent 2021-01-07 16:47:59 UTC
Body Uprisings*
```

**Ex. 1Z** 



# Need to Avoid Unwarranted Sentence Disparities 18 U.S.C. § 3553(a)(6)



## United States v. Brad Smith 21-CR-567-2 (RCL)

Ex. 1-II

Defendant	Offenses of	Term of Imprisonment
	Conviction	
Matthew Miller,	§ 1512(c)(2)	33 months
21-cr-00075 (RDM)	§ 111(a)(1)	(as well as 24 months of
		probation)
Greg Rubenacker,	§ 1512(c)(2)	41 months
21-cr-00193 (BAH)	§ 111(a)(1)	
	(plus seven other counts	
	(no plea agreement))	
Scott Fairlamb,	§ 1512(c)(2)	41 months
21-cr-00120 (RCL)	§ 111(a)(1)	
Duke Wilson,	§ 1512(c)(2)	51 months
21-cr-00345 (RCL)	§ 111(a)(1)	